PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section (V.B.L.L. CM 19) per Sec. 504

Lot 1 - To allow 30' window to tract boundary in live of 35' window to tract requirement.

Lot 2 - to allow 30' window to tract boundary in lieu of 35' window to tract requirement.

Lot 2 - to amend FDP to allow 30' to tract boundary in lieu of 35' -to-tract-boundary shown on FDP of the Zoning Regulations of Baltimore County, to the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Unless requests are granted, Petitioners will not be able to construct marketable houses on each lot, resulting in loss of mere than \$43,000 per lot.

Property is to be posted and advertised as prescribed by Zotan; Regulations.

i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and see to be bound by the soning regulations and restrictions of Saltimore County adopted pursuant to the Zoning Law For Baltimore County.

• •		MAP NE
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	10- 6. D. 11
Contract Purchaser:	Legal Owner(s):	3473 E-3
(T)pe or Frant hame)	Gles Mil Linted Partnership	200 /
Signature	Saffe, President	or G-2
Address	Mandant Smeet Air Proportion Tree (Type or Proof Name) Jeneral Partner	
City and State	\$ give time	
Attorney for Petitionie		
Agen Cales Mary May	115 Sudbook Lane Ste 202	

Challe fold 21708 486-8849 Name, address and phone number of legal porter, contract purchases or representative to be contacted

Calle my 2008 Dine Ally Hoyare Many Judhosh Law we 202 Attorney & Tourgeonee No. 21 4 4 2 3

required by the Lauring Law of Railmann Creamy is two monophors of general curvatance throughcut he tumore Counts that property be presed, and that the public hearing be had before the Zoning Commissioner of Reference County in Lines 166, County Office Besiding in Troson,

Land Commissioner of Baltimore County.

Extensive County Livery Commissioner Office of Planning & Linning Towne Keyand 224 Line Call J. Lidney Katton

Commen Carley Mungrase, Angelen 115 Subtree Late, Little 112 Bestumers, Mary and 10008

RE: PETITION FOR CONTINUO VARIANCE NE, S Raygall Road, 160" ME of Glas Mill Road (Luts 1 and 1 Maygall Alas) lith Election District - Stb Councilmanic District Gien Will Limited Partnership - Petitlichers

Case No. 45-157-A in limber Mal. Musignave :

> Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has men granted in accordance with the attached Order.

Secretary to the second

In the event day party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30, days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Thobard Haines J. ROBERT HAINES Zoning Commissioner for Baltimore County

JKH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE NE/S Naygall Road, 760' NE of Glen Mill Road (Lots 1 & 2 Naygall Road) 11th Election District

Petitioner

5th Councilmanic District Glen Mill Limited Partnership * DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 90-157-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for Lots 1 and 2, and an amendment to the final development plan for Glen Mill Estates, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Bruce L. Brown, President, Sweet Air Properties, Inc., a General Partner, appeared, testified, and was represented by Dawn Oxley Musjrave, Esquire. Also appearing on behalf of the Petition were Carly Broglie and Jacolyn M. Blunt. Appearing as a Protestant in the matter was Raymond J. Ewers, adjoining property owner.

Testimony indicated that the subject property, known as Lots 1 and 2 on Naygall Road, consist of 6,324 sq.ft. and 8,500 sq.it., respectively, zoned D.R. 3.5, and are currently unimproved. Said property is part of the newly developed Glen Mill Estates housing subdivision. Testimony indicated that the subject property was purchased for the purposes of constructing two single family dwelling units. Upon application for building permits, Petitioners were advised that the dwellings proposed were too large for the lots in question and that zoning variances would be required. Testimony indicated that the plans were subsequently revised and the proposed homes modified to fit on the two lots. Petitioner testified the requested variances are necessary in order to build a home that is in

and meet the required setbacks to the extent possible. Testimony further indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

After hearing Petitioner's testimony and reviewing the revised plans, Mr. Ewers indicated he would not be opposed to the requested 30-foot setback from the property line.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

whether the grant would do substantial injustice to applicant as well as other property owners in the distri tor whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

keeping with the character and nature of the other homes in the development

Mr. Ewers testified he owns the adjoining property at 9107 Naygall

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its

JRH:bjs

NOTICE OF HEATING

Variance: to allow a 30 les window-to-tract boundary and i lest window-to-let fine embacts in less of the required 36 lest and 16 lest, respectively for Let #1 and to allow a 30 loci window-to-

tract boundary, version-to-en-dow distance of 36 test and a front settents of 16 test in tou of the required 36, 40 and 16 test,

respectively, for Let #2; and is amend the First Amended Final Development Plan of Glain MS Estates, Let #1 and #2 to alon

in the event that this Postion I'

granted, a building point may be mained within L a thirty (50) day appeal puried. The Zanery Commissional will, however, entertain any request for a stey of the se-

Surroy of said pared during this paried for good cause shown.

Publicon for Zorwing Variance Case mumber: 90-157-A NES Navyoul Road, 760' NE of Gien Mill Road Lots Nos. 1 and 2, Gien Mill Estates Nose 1

Petitioner(s); Glan Mill Limited

Vertence: to allow a 30 test window-to-tract boundary and 8 feet window-to-tot line setbacies in life of the required 36 feet and

15 feet, respectively for Lat #1; and to allow a 30 feet window-to-

Fract boundary, service-camedow deternoe of 38 feet and 6 front setback of 16 feet in 1833 of the required 35, 40 and 16 feet.

magazitively, for Lot #2; and to armend the First Americal First

Development Plan of Glan Mil Estates, Lot #1 and #2 to allow

in the event that this Pettion is

granted a building name may at

appeal period. The Zorong Com-mensioner will, however, entertains any requisit for a stay of the lin-euteros of said parmit during time parted for good causes shown, Such request must be in writing and received in this office by the

2) Petitioners shall submit a revised site plan reflecting the actual dimensions of the two lots and the exact locations of the proposed dwellings on the lots prior to the issuance of any permits.

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT IS ORDERED by the Zoning Commissioner for

public hearing on this Petition held, and for the reasons given above, the

Baltimore County this Hotay of November, 1989 that the Petition for

Zoning Variance to permit a window to tract boundary setback of 30 feet in

lieu of the required 35 feet for Lots 1 and 2, and an amendment to the

final development plan for Glen Mill Estates, in accordance with Petition-

er's Exhibit 1, be and is hereby GRANTED, subject, however to the follow-

ing restrictions which are conditions precedent to the relief granted:

variance requested should be granted.

for Baltimore County

The Zoning Commissioner of Ballimore County, by authority of the Zoning Act and Requissons of Baltimore County will hold a public hearing on the property identified herein in Floom 106 all the County Office Building, located at 111 W. Cheespeele Avanue in Towson, Maryland 21204 as follows: CERTIFICATE OF PUBLICATION Oct 13 1087 Pettion for Zoning Variance THIS IS TO CERTIFY, that the annexed advertisement was publish-Cane number: 90-167-A
NES Neygali Road, 780' NE
of Glen Mill Road
Lots Nos. 1 and 2, Glan Mill
Estates, Neygali Road
11th Election Disease
Puttlioner(s):
Glen Mill Limited ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES

REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on Oct 12 10 89

> NORTHEAST TIMES BOOSTER and the SORTHLAST TIMES REPORTER

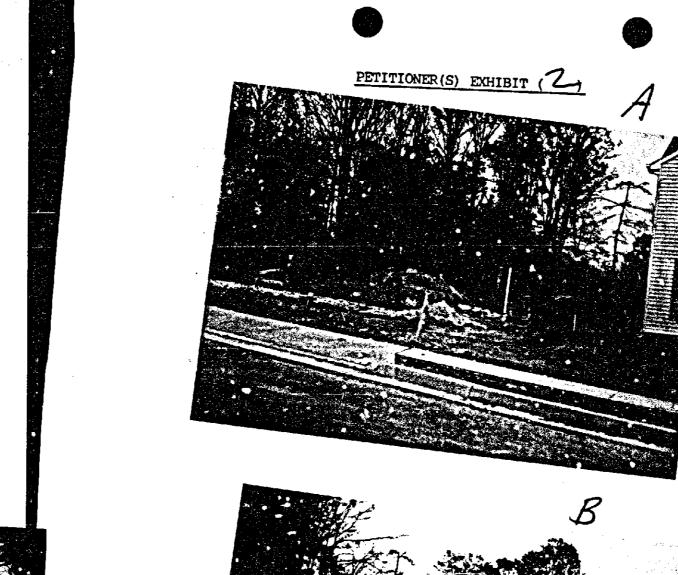
- DA.172A5.

CERTIFICATE OF PUBLICATION

TOWSON, MD. ______Oct. 13 . 19.89 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 61 12 . 19 37.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 90-157- #

District 1/76 Posted for: Variance	Date of Posting 19/73 / 81
Petitioner: 6/en Mill Fitet Nov 901	1 Rt
petitioner: Glen Mill Fister New 28 November 16 14 2	O' NE/ 6/2 MIN RE
cocation of Signer Foury Norgell Rd.	approxy 37 Fr. 100 dwg and 1xponly
emarks:	,
osted by Maleston Signature	Date of return: 10/27/89





PETITIONER(S) EXHIBIT (





Zoning Commissioner Office of Planning Coning Towson, Marylano (301) 887-3353

September 21, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the Coxity Office Building, located at 111 W. Chesapeake Avenue in Touson, Maryland as followst

Patition for Zoning Variance CASE NUMBER: 90-157-A NES Naygall Road, 750' NE of Glewmill Rod tats Nos. 1 and 2, Glan Mill Estates, Naygall Road 11th Election District - 5th Councilmanic Petitioner(s): Glan Mill Limited Partnership HEARING: THESDAY, NOVEMBER 7, 196 - 11:00 0.8.

Variance: To allow a 30 feet window-to-tract boundary and 8 feet window-tolot line setbacks in lieu of the required 35 feet and 15 feet, respectively for Lot #1; and to allow a 30 foot window-to-tract boundary, wind w-to-window distance of 38 feet and a front setback of 16 feet in lieu of the required 35, 40 and 18 feet, respectively, for Lot #2; and to mend the first Amended Final Development Plan of Glen Mill Estates, Lot #1 and #2 to allow same.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or pre-

WHITE:

(If "PHASE II" of the "SMIN EMERGINEY PLAN" is in effect in Baltimore County on the above heating date: the hearing will be postpormed. In the event of snow, telephone 887-3391 to

J. Robert fries TONING COMMISSIONER BALTIME COUNTY, MARYLAND

cot - Gien #511 similed Part with A fully Magrace, 154.

confirm hearing date.)

90-157A

PLEASE PRINT CLEARLY

PHOTOTANT(S) SIGN-IN SIGN

SIET MAY CALL RD BALTA 2113 PAYMOND FREEDS

BALTINORE COUNTY, MARYLAND

Inter-office Correspondence

October 18, 1989 To: J. Pokert Hallies Zoning Commissioner and Ann Nastarowitz Deputy Zoning Commissioner

FROM: John Sullivan, Jr. Planning & Zoning Associate 111

SUBJECT: Fetations for A Zoning Variance Case No. 90-157-A Lot #2 Naygall Road, Glen Mill Estates

I called Ms. Dawn Misgrave, Attorney for the petitioner, and informed her that the dimensions of Lot #2 (setbacks and dwelling width) are incorrect in reference to the lot size. I advised her that if the proposed dwelling width was less, or the lot width was greater then per J. Robert Haines, the Hearing could take place as scheduled provided that a revised plat showing correct dimensions and accompanying petitions reflecting the changes in distances be submitted at that time. Ms. Musgrave stated after some research that indeed the dimensions were wrong and that a 40' x 20' dwelling was to be built on Lot #2; therefore, the variance request would be less than petitioned for and the corrections will be addresed at the Hearing.

JJS/jat

Baltimore County Zoning Commissioner
Office of Planning & Zong Towson, Maryland 21204 (301) 887-3353

> Glen Mill Limited Partnership c/o Sweet Air Properties, Inc.

J. Robert Haines
Zoning Commissioner



115 Sudbrook Lane, Suite 202 Baltimore, Maryland 21208 Petition for Zoning Variance CASE NUMBER: 90-157-A NES Naygall Road, 750' NE of Glasmill Rod Lots Nos. 1 and 2, Glen Mill Estates, Naygall Road 11th Election District - 5th Councilmanic Petitioner(s): Glen Mill Limited Partnership HEARING: TUESDRY, NOVEMBER 7, 1989 at 11:00 a.m.

Please be advised that \$129.80 is due for advertising and posting of

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

RETURNED ON THE DAY OF THE HEARING OR THE CROER SHALL NOT ISSUE.

* Baltimore County Zoning Commissiones County Office Building
111 West Chesapeaks Avenus
Towson, Maryland 21204

11. 1. 199

SUM

MY0000941 FRICE pade to landing feed ADVERTISING 1 X TOTAL: \$129.80 TO I HAVE UP OURIER: OLEN HILL L.P.

B B 033 *** * 1298013 = 07 F Baitimore County
Please make checks payable to: Baitimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

, Robert Haines Zoning Commissioner

Cachier Validation:

DATE: November 6, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

Glen Mill Limited Partnership, Item 17 SUBJECT: Zoning Petition No. 90-157

Based upon a meeting with Dawn Oxley Musgrove, attorney for the Petitioner, staff wishes to revise its original comment dated October 31, 1989. Staff supports the Petitioner's request and offers the following conditions following conditions.

Request for a window to lot line of 8 ft. will be withdrawn as agreed upon by Ms. Musgrove.

The Petitioner's ~ite plan shall be revised to reflect the actual dimensions of the lots involved.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

90-157A

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

Bruce L. Brown 115 SUDBROOK (Aux Suite 202 Dikesville und. 21208 Jacky Broglie 8817 Belair Rd. Balt. Md. 21236 JACOLYN M. BLUNT 43.29 WINTEROUS WAY BALTO. MD 21236 Mark I form 2 Shirten Car 2- STITLEMEN SIK BACTO MA. 21236

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke Chief

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner:

GLEN MILL LIMITED PARTNERSHIP

JULY 24, 1989

Location: Item No.: 17 LOT NOS. 1 & 2 GLEN MILL ESTATES Zoning Agenda: JULY 25, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

First, and most importantly, you must understand that the hearing you have requested in a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Beltimore County Zoning Regulations. A judicial hearing is an adversary process, and there-

fore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Doputy Zoning Commissioner will rule on the evidence and testimony to determine

Second: You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. IF INCORPORATED ANATTORNEY IS REQUIRED

Third: It is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below.

Fourth: No employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing.

Section 307 empowers the Zoning Commissioner to grant variances from height and area regu-

lations when strict compliance would result in practical difficulty or unreasonable hardship, but only if in strict harmony with the spirit and intent of the regulations and then only in such a manner as to grant relief without substantial injury to the public health, safety, and

The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 20 Md. App. 28, stated:

"To prove undue hardship for a use variance the following three criteria must be met:

(1) APPLICANT MUST BE UNABLE TO SECURE A REASONABLE RETURN OF MAKE ANY REASONABLE USE OF HIS PROPERTY (MERE FINANCIAL HARDSHIP OR OPPORTUNITY FOR GREATER PROFIT IS NOT ENOUGH).

(2) THE DIFFICULTIES OR HARDSHIP IS PECULIAR TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.

To prove practical difficulty for an area variance the following criteria

(1) WHETHER STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE UNNECESSARILY BURDENSONE.

(2) WHETHER THE GRANT WOULD DO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN DISTRICT OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF.

(3) WHETHER RELIEF CAN BE GRANTED IN SUCH FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED.

Even though there may not be opposition in a given case, your request may be denied.

This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal

the coning commissioner of partimore county and the county means of appears, whose appears shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical

difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a

sallowable by the coming regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to

public health, safety, and general welfare. They shall have no power to grant any other

variances. Before granting any variance, the Zoning Commissioner shall require public notice variances. Defore granting any variance, the Leading commissioner shall require public motite to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting

(3) HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS

This Notice is not to be considered legal advice.

SECTION 307 - VARIANCES

REVIEWER: LAPT TULIN Planning Group Special Inspection Division

Approved

Dennis F. Rasmussen

JK/KEK

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

ZONING OFFICE July 31, 1989

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

Mr. J. Robert Haines

Zoning Commissioner County Office Building

Towson, MD 21204

The Bureau of Traffic Engineering has no comments for items number 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

2 stone dwelling 2 car garage Lo+ 2 no wind 61228. 2 car Lot 4 2 story frame Driveway dwell,ra lu' paving (no windows EXHIBIT / SIDEMAKE 4. CONCRETE 4/2-

Noygall Road (50'R/W)

Two' to Glen Mill Road

Owner: 9len Mill Limited Partnership 11th Election District D.R. 3.5 Glen Mill Estates Lots 1: Liber 8123, Page 665

Lot 2. Liber 3123, Page 437

Lot 2 · 8500 sq. ft. (= .15ac) Existing utilities in Neggar Road

Scale 1 = 25'

1.004

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines

DATE: October 31, 1989 Zoning Commissioner Pat Keller, Deputy Director

Office of Planning and Zoning SUBJECT: Glen Mill Limited Partnership, Item 17 Zoning Petition No. 90-157

The Petitioner requests a Variance for relief from setback requirements. In reference to this request, Staff provides the following information regarding the site plan:

- In fee access is not shown for Lots 2 and 3.

- The site plan accompanying the Petitioner's request needs to be amended to properly indicate the actual width of Lots 1 and 2.

- The impact of the Petitioner's request will be greater when the above-mentioned aspects of the plan are addressed.

Based upon the information provided and analysis conducted, a recommendation for denial of the Petitioner's request is offered. Staff will not support a plan that shows two principal structures closer than 20 feet apart. Additionally, the orientation of the proposed dwelling should be to Naygall Road.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl ZP90/157

11/189 phond Dawn Musque to Plu jow.

